

### III. REMARKS

Claims 1-23 are presented for further consideration. Claim 9 is indicated to contain patentable subject matter if rewritten in independent form. Applicant has considered the Examiner's comments set forth in the Office Action mailed January 9, 2007 and responds in detail below. Reconsideration of the application is respectfully requested in view of the following remarks.

Claims 1-8 and 12-23 stand rejected under 35USC102(e) on the basis of the cited reference Gilchrist, U.S. Patent No. 7,042,855. This rejection is traversed on the following grounds:

The cited reference Gilchrist fails to disclose each and every limitation of the claims of this application. It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221). In particular claim 1, states:

**"checking availability of the requested data transmission service and reachability of the terminal in the local network in response to the mobile station being attached to the local network and data transmission being desired between the mobile station and the terminal, transmitting a service request from the mobile station to the public mobile network in response to the data transmission service not being providable substantially in accordance with the service request and/or the terminal not being reachable via the local network."**

Independent claims 12, 18, and 21 contain equivalent language.

The reference Gilchrist fails to disclose or suggest these features.

The disclosure of Gilchrist relates to a system for routing user traffic only within a local network. This is restated throughout Gilchrist, i.e., see column 2, lines 32-39, column 8,

lines 59-63, and column 9, lines 56-67. It does not describe or suggest a way of providing alternative routing either within a local network or through a public network, as required by the claims of this application.

The Examiner indicates that Gilchrist discloses transmitting a service request from the mobile station to the public mobile network, referring to the following language in Gilchrist :

**"Mobile station 201 desiring to transmit data via the GPRS network places a service request to SGSN 205. SGSN 205 enables mobile station 201 to transmit data after authenticating mobile station 201 and activating the service request at GGSN 207."**

This does not support the Examiner's position, as all of the elements described in this excerpt are part of the local network. Please see column 2, lines 32-36, as follows:

**"The present invention provides a method for routing data in a communication system. The present invention preferably routes user traffic that originates from a GPRS mobile station (first remote unit), to a second remote unit existing on the same local wire line network." (emphasis added)**

The disclosure of Gilchrist fails to disclose or suggest the checking of the availability of a requested service. The Examiner is mistaken in the indication that this feature is described at column 5, lines 8-11. There is no reference to this feature in the cited excerpt. The only reference to a public network, is to the PSTN 809 in figure 8, but this does not provide any particular function with respect to the invention described in Gilchrist.

The reference Gilchrist describes a multi-network wireless system that includes a LAN. In response to a communication request, the availability of the destination terminal (second remote unit) is determined (see column 2, lines 51-64. If a match is not found the incoming packet is apparently discarded (see column 4, lines 13-14).

The disclosure of Gilchrist lacks a determination of the availability of a requested service and the determination of availability of the destination terminal. Gilchrist also fails to indicate what happens, when this determination indicates that availability is not present.

Therefore, Gilchrist fails to disclose the currently claimed combination of features, namely, the checking of the availability of the requested data transmission service and the reachability of a terminal (to which a connection is desired) in a local network and the transmission of the service request to a public mobile network in response to a lack of such availability or reachability in the local network.

The cited reference Gilchrist therefore does not support the rejection of any of the claims based on anticipation.

Claims 10 and 11 stand rejected under 35USC103(a) based on the reference Gilchrist in view of Voit, et al, U.S. Patent No. 6,870,827. This rejection is traversed on the following grounds:

The combined teaching of Gilchrist and Voit does not render claims 10 and 11 obvious because it fails to teach or otherwise suggest each and every limitation of the claims. It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application. (MPEP Section 2142) ***In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria."**

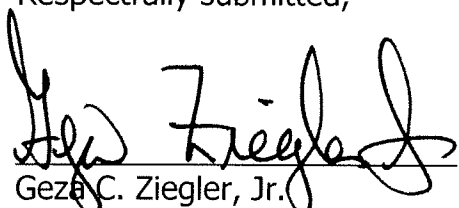
In particular the combined teaching fails to disclose or suggest the claimed features of independent claims 1,12. 18, and 21 for the reasons indicated above. These grounds

apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims. The cited reference Voit fails to remedy the deficiencies of the primary reference Gilchrist.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of the two month extension of time fee (\$450) as well as for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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17 May 2007  
Date

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Lisa Shimizu

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